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1 KARL J. KRAMER (No. 136433)
JANA G. GOLD (No. 154246)
2 MORRISON & FOERSTER LLP
755 Page Mill Road
3 Palo Alto, California 94304-1018
Telephone: (415)813-5600
4
5 RAOUL D. KENNEDY (No. 40892)
MORRISON & FOERSTER LLP
345 California Street
6 San Francisco, California 94104-2675
Telephone: (415) 677-7000
7
8 PATRICK J. FLINN (No. 104423)
ALSTON & BIRD
One Atlantic Center
9 1201 W. Peachtree Street
Atlanta, Georgia 30306
10 Telephone: (404)881-7000
11 Attorneys for Defendants/Counter-
Claimants CYLINK CORPORATION, CARO-KANN
12 CORPORATION and STANFORD UNIVERSITY

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 ROGER SCHLAFLY,

17 Plaintiff,

18 v.

19 PUBLIC KEY PARTNERS AND RSA DATA
20 SECURITY, INC.,

21 Defendants,

22 RSA DATA SECURITY, INC.,

23 Plaintiff,

24 v.

25 CYLINK CORPORATION and CARO-KANN
26 CORPORATION, et al.27 Defendants.
28

No. C-94-20512 SW

No. C-96-20094 SW

**CONSOLIDATED DECLARATION OF
KARL J. KRAMER IN SUPPORT OF
DEFENDANTS' MOTIONS FOR
SUMMARY JUDGMENT**

Date: September 4, 1996
Time: 10:00 a.m.
Courtroom: 4

Hon. Spencer Williams

1 I, Karl J. Kramer, declare:

2 1. I am a partner of the law firm of Morrison & Foerster LLP,
3 counsel for the defendants and counterclaimants Cylink Corporation,
4 Caro-Kann Corporation and Stanford University. I make this
5 declaration pursuant to Rules 7-2 and 7-5 of the Local Rules for the
6 United States District Court for the Northern District of
7 California.

8 2. Attached as Exhibit 1 to Defendants Motion for Summary
9 Judgment Against Mr. Schlafly's Invalidity Claims Regarding The
10 Stanford Patents is a true and correct copy of U.S. Patent No.
11 4,218,582. A true and correct copy of this document is also
12 attached as Exhibit C to Defendants' Motion for Summary Judgment
13 Against RSADSI's Invalidity Claims Regarding The Hellman-Merkle
14 Patent.

15 3. Attached as Exhibit 2 to Defendants' Motion for Summary
16 Judgment Against Mr. Schlafly's Invalidity Claims Regarding The
17 Stanford Patents is a true and correct copy of U.S. Patent No.
18 4,200,770. A true and correct copy of this document is also
19 attached to as Exhibit 1 to Defendants' Motion for Summary Judgment
20 Against RSADSI's Invalidity Claims Regarding The Diffie-Hellman
21 Patent.

22 4. Attached as Exhibit 3 to Defendants' Motion for Summary
23 Judgment Against Mr. Schlafly's Invalidity Claims Regarding The
24 Stanford Patents is a true and correct copy of the September 6, 1995
25 decision of the arbitration panel in the matter of the arbitration
26 between Cylink Corporation and Caro-Kann Corporation, on the one
27 hand, and RSA Data Security, Inc., on the other. A true and correct

1 copy of this document is also attached as Exhibit 4 to Defendants'
2 Motion for Summary Judgment Against RSADSI's Invalidity Claims
3 Regarding The Diffie-Hellman Patent.

4 5. Attached as Exhibit 2 to Defendants' Motion for Summary
5 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-
6 Hellman Patent, is a true and correct copy of excerpts from RSADSI's
7 BSAFE User's Manual, Version 2.1. A true and correct copy of this
8 document is also attached as Exhibit E to Defendants' Motion for
9 Summary Judgment Against RSADSI's Invalidity Claims Regarding The
10 Hellman-Merkle Patent.

11 6. Attached as Exhibit 3 to Defendants' Motion for Summary
12 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-
13 Hellman Patent, is a true and correct copy of a paper by W. Diffie
14 and M. Hellman, entitled "New Directions in Cryptography," published
15 in IEEE Transactions on Information Theory in November, 1976.

16 7. Attached as Exhibit 5 to Defendants' Motion for Summary
17 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-
18 Hellman Patent, is a true and correct copy of the General
19 Partnership Agreement for Public Key Partnership, a California
20 General Partnership, dated April 6, 1990.

21 8. Attached as Exhibit 6 to Defendants' Motion for Summary
22 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-
23 Hellman Patent, is a true and correct copy of the Complaint filed in
24 United States District Court on March 27, 1992 by Public Key
25 Partners against TRW, Inc.

26 9. Attached as Exhibit 7 to Defendants' Motion for Summary
27 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-

1 Hellman Patent, is a true and correct copy of excerpts of the
2 reporter's transcription of the testimony of Robert Fougner on May
3 9, 1995 in the matter of the arbitration between Cylink Corporation
4 and Caro-Kann Corporation, on the one hand, and RSA Data Security,
5 Inc., on the other.

6 10. Attached as Exhibit 8 to Defendants' Motion for Summary
7 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-
8 Hellman Patent, is a true and correct copy of representative
9 Stanford Patent license agreements entered into by Public Key
10 Partners, and signed by James Bidzos, President of RSA Data
11 Security, Inc. a general partner in Public Key Partners.

12 11. Attached as Exhibit 9 to Defendants' Motion for Summary
13 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-
14 Hellman Patent, are true and correct copies of recent product and
15 license announcements published by RSA Data Security, Inc.

16 12. Attached as Exhibit 10 to Defendants' Motion for Summary
17 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-
18 Hellman Patent, is a true and correct copy of excerpts of the
19 reporter's transcription of the testimony of Whitfield Diffie on
20 October 23, 1995 in this matter.

21 13. Attached as Exhibit 11 to Defendants' Motion for Summary
22 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-
23 Hellman Patent, is a true and correct copy of excerpts of the
24 reporter's transcription of the February 29, 1996 hearing on
25 Defendants' Motion.

26 14. Attached as Exhibit 12 to Defendants' Motion for Summary
27 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-

1 Hellman Patent, is a true and correct copy of the Declaration of
2 Ingemar Ingemarsson, executed January 8, 1996 and previously filed
3 with the Court in this matter on January 11, 1996 by RSADSI.

4 15. Attached as Exhibit 13 to Defendants' Motion for Summary
5 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-
6 Hellman Patent, is a true and correct copy of the Declaration of
7 Alan Konheim, executed December 20, 1996 and previously filed with
8 the Court in this matter on January 11, 1996 by RSADSI.

9 16. Attached as Exhibit 14 to Defendants' Motion for Summary
10 Judgment Against RSADSI's Invalidity Claims Regarding The Diffie-
11 Hellman Patent, is a true and correct copy of the Declaration of
12 Peter Blatman, executed December 19, 1996 and previously filed with
13 the Court in this matter on January 11, 1996 by RSADSI.

14 17. Attached as Exhibit A to Defendants' Motion for Summary
15 Judgment Against RSADSI's Invalidity Claims Regarding The Hellman-
16 Merkle Patent, is a true and correct copy of a memorandum prepared
17 by Professor Ronald Rivest, dated August 10, 1983 and entitled
18 "Notes on the Validity of Stanford Patent 4,218,582."

19 18. Attached as Exhibit B to Defendants' Motion for Summary
20 Judgment Against RSADSI's Invalidity Claims Regarding The Hellman-
21 Merkle Patent, is a true and correct copy of a print out from the
22 SEC's Edgar Database Form S-4 Registration Statement filed by
23 Security Dynamics Technologies, Inc. on June 26, 1996.

24 19. Attached as Exhibit D to Defendants' Motion for Summary
25 Judgment Against RSADSI's Invalidity Claims Regarding The Hellman-
26 Merkle Patent, is a true and correct copy of an excerpt from a book
27 entitled "Kahn On Codes," by David Kahn.

